

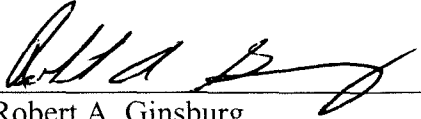
MEMORANDUM

PMPS

Agenda Item No. 2 (A)

TO:	Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners	DATE:	October 28, 2004
FROM:	Robert A. Ginsburg County Attorney	SUBJECT:	Ordinance delegating to County Manager the authority to advertise contracts without prior commission approval

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa.



Robert A. Ginsburg
County Attorney

RAG/bw



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE:

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Agenda Item No.

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE DELEGATING TO THE COUNTY MANAGER
THE AUTHORITY TO ADVERTISE CONTRACTS FOR
PUBLIC IMPROVEMENTS AND PURCHASES OF SUPPLIES,
MATERIALS AND SERVICES INCLUDING PROFESSIONAL
SERVICES WITHOUT PRIOR COMMISSION APPROVAL;
PROVIDING FOR INCLUSION OF MEASURES APPROVED
BY THE REVIEW COMMITTEE RELATING TO SMALL AND
COMMUNITY BUSINESS PROGRAMS IN ADVERTISEMENT;
REQUIRING MONTHLY REPORTS OF ADVERTISED
CONTRACTS; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. Section 2-8.1 of Miami-Dade County is hereby amended as follows:¹

Sec. 2-8.1. Contracts and purchases generally.

(a) *Scope.* Except as provided in subsections (b), (f) and (h), this section shall apply to all contracts for public improvements and purchases of all supplies, materials and services other than professional services.

(b) *Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases* Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of one hundred thousand dollars (\$100,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the County Manager, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. >> The County Manager is hereby delegated the authority to advertise for bid contracts for public improvements (construction) and purchases of supplies, materials and services (including professional services) without the need

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

for action by the County Commission. The County Manager shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The County Manager shall further be required to report to this Board on a monthly basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs.<< The County Manager is hereby delegated the authority to ~~[[advertise for bid,]]~~ award~~[[,]]~~ and reject bids or proposals for contracts for public improvements (construction) costing five hundred thousand dollars (\$500,000) or less and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to Sec. 2-10.4 and Sec. 287.055 Fla Stats.) costing one million dollars (\$1,000,000) or less without the need for action by the County Commission. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The County Manager is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements involving the expenditure of five hundred thousand dollars (\$500,000.00) or less: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The County Manager shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the County manager requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The County Manager may designate appropriate County staff to exercise the authority delegated hereunder by administrative order, approved by the Board of County Commissioners.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

RA6

Prepared by:

HB

5